

Policy Review FACTS

State Demographics in 2012

Black	Hispanic	Other	White
3%	11%	13%	73%

Offenders in Prison in 2013

Black	Hispanic	Other	White	
18%	12%	8%	61%	
HV	66%	46%	50%	49%
HNV	11%	13%	15%	20%
MOD	12%	18%	14%	11%
LOW	11%	23%	20%	20%

Offenders on Community Supervision in 2013

	Black	Hispanic	Other	White
	14%	8%	8%	71%
HV	58%	37%	37%	34%
HNV	18%	21%	20%	25%
MOD	13%	21%	20%	19%
LOW	7%	17%	16%	16%

Total DOC Staff in 2013

Black	Hispanic	Other	White
6%	6%	6%	82%

Prisons Staff in 2013

Black	Hispanic	Other	White
6%	7%	6%	81%

Community Supervision Staff in 2013

Black	Hispanic	Other	White
8%	7%	7%	78%

Programs and Services Reviewed

- Adult Basic Education
- Vocational Education
- Offender Change Programs
- Work Programs in Correctional Industries and Facilities
- Residential Chemical Dependency

Correctional Practices Reviewed

- Prison Infractions (Violence)
- Prison Classification
- Community Violation Hearings

Executive Summary

Black offenders are sentenced to prison at a rate nearly five times than their proportion of total population in Washington state. Given that disparity, the Secretary of the Department of Corrections (DOC) requested information to determine if any evidence of racial disparity exists in the treatment of offenders within DOC.

The original review conducted in 2008 investigates racial disparity in the delivery of offender programs and services or correctional practices, and if so, to what extent. A follow-up review examined data from Fiscal Year 2013 (FY13) in selected programs, service areas, and correctional practices in prisons and community corrections.

The data in this report is provided to determine if further analysis related to this issue should be pursued. Any disparities may have alternative explanations, and this review does not make conclusions about reasons for disparity. Even if there are no conclusive findings, however, we recommend periodic review of policy and practices to ensure fairness and proportionality in how DOC treats offenders.

Risk Classification

Similar classification differences were found for the non-violator prison population and for offenders on community custody in fiscal year 2013. White offenders were classified as high and moderate risk significantly less than Hispanics of Other races, but significantly more than black offenders.

Offender Programs and Treatment

The review of programs and services investigated offenders who released from prison during FY09 and participated in the following offender programs: adult basic education, vocational education, offender change programs and chemical dependency treatment.

Adult Basic Education When comparing these various ethnic groups to white offenders, the following non-white ethnic groups were more likely to participate in an educational program than white offenders:

Latinos- 78%

Blacks - 64%

Other Ethnic Groups -21%

The possibility exists that some ethnic groups may have a greater need for educational programs.

Vocational Education Blacks were nine percent more likely to participate in a vocational program than white offenders. Hispanics were 25% less likely to participate in vocational programs, although that is an improvement over FY08 when Hispanics were found to be 60% less likely than white offenders to participate in a vocational program.

Offender Change Programs Black offenders were 42% more likely than white offenders to participate in an Offender Change program. For white, Hispanic, and other offenders, the opportunity to engage in an Offender Change Program was basically proportional. This is an improvement from FY08 when Hispanic and other offenders were found to be less likely than white offenders to receive an Offender Change program.

Chemical Dependency Hispanic offenders were 49% less likely than white offenders and other offenders were 35% less likely than white offenders to receive chemical dependency treatment. Black offenders also had a 29% less of a chance than white offenders to participate in chemical dependency treatment. However, this does not account for court or facility ordered treatment.

Offender Work Programs Data show that there are some racial disparities in some offender work programs. However, there is not as great a disparity between white and black offenders. Language and education may present barriers to jobs or vocational programs for some groups. Black and Hispanic offenders are underrepresented in Class II and Class IV work programs.

FY09 in Bold	Black	Hispanic	Other	White	Total
FY09 Total Population	5,884 19%	2,834 9%	3,112 10%	19,157 62%	30,987 100%
Correctional Industries (Class II)	18% 19%	9% 6%	7% 7%	66% 68%	100% 100%
Facility Work Programs (Class III)	20% 22%	10% 9%	8% 8%	62% 62%	100% 100%
Off-site Work Programs (Class IV)	13% 15%	6% 4%	8% 6%	73% 75%	100% 100%
Incentive Jobs	19% 21%	11% 9%	7% 9%	63% 61%	100% 100%

Prison Custody Level (FY08 & FY09) Data suggest black and hispanic offenders tend to be placed in higher custody levels relative to their respective populations.

June '09 in Bold	Black	Hispanic	Other	White	Total
Total Population	19% 20%	9% 10%	8% 8%	63% 62%	100% 100%
Maximum (MAX)	18% 17%	24% 27%	8% 6%	49% 50%	100% 100%
Close	25% 22%	13% 13%	9% 10%	52% 56%	100% 100%
Medium	21% 21%	9% 11%	9% 9%	61% 59%	100% 100%
Minimum 3 (MI3)	17% 17%	10% 11%	8% 7%	65% 65%	100% 100%
Minimum 1 and 2	18% 19%	6% 8%	8% 8%	67% 65%	100% 100%

Prison Infractions (Violence) There is evidence of racial disparities among offenders who committed violent infractions during FY13. All minorities were disciplined for violent infractions at rate higher than white offenders. Risk level and gang affiliation was found to be major factors in higher rates of infracting. The disparity increased slightly since FY08.

	Black	Hispanic	Other	White	Total
FY13 Total Prison Population	4,380 17.4%	3,124 12.4%	2,037 8.1%	15,605 62.1%	25,146 100%
FY13 Violent Infractions	441 22.9%	403 20.9%	166 8.6%	917 47.6%	1,927 100%
% Difference	5.5%	8.5%	0.5%	-14.5%	
FY08 % Difference	2%	11%	-1%	-12%	

Community Violation Hearings There is evidence that there are racial disparities among offenders who had a violation hearing during FY13. Black offenders were more likely and Hispanics were less likely to have a hearing than white offenders. Risk level and gang affiliation may be factors in the rate of violations. The disparity has greatly decreased since FY08 for both black and white offenders.

	Black	Hispanic	Other	White	Total
FY13 Total Caseload	5,979 14.0%	4,565 10.7%	3,447 8.0%	28,868 67.4%	42,859 100%
FY13 Violation Hearings	1,906 17.9%	802 7.6%	860 8.1%	7,054 66.4%	10,622 100%
% Difference	3.9%	-3.1%	0.1%	-1.0%	
FY08 % Difference	9%	-3%	1%	-5%	

Summary

Data suggest a reduction in racial disparities from the previous fiscal year in almost all offender programs. And while there are some racial disparities in some offender programs, the disparities we find have reasonable alternative explanations besides simple ethnic breakdown. For example, minority groups tend to have lower levels of educational attainment than white offenders, which might explain why all three groups were more likely than white offenders to participate in an educational program. While Hispanic (and other) offenders were found to be significantly underrepresented in a number of programs, the disparities between them and white offenders were less than in the prior fiscal year. In some cases, these disparities were reduced to more than half of what they were the previous fiscal year. This reduction suggests an improvement in the direction of racial equality in offender programming.

Questions to consider:

- Do any of the areas examined require action?
- What additional areas not covered in this review should be examined for disproportionate treatment?
- Continue the effort to explain why black offenders in the community are more likely to have violation hearings.